

PUBLIC NOTICE: 2011-31

Date: April 1, 2011

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND OPPORTUNITY
TO COMMENT**

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

**ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND
OPPORTUNITY TO COMMENT**

**SUMMARY: EPA IS PROVIDING NOTICE OF PROPOSED ADMINISTRATIVE PENALTY
ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER ACT. EPA IS ALSO
PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON THESE PROPOSED
PENALTY ASSESSMENT.**

**UNDER 33 U.S.C. §1319(G), EPA IS AUTHORIZED TO ISSUE ORDERS ASSESSING
CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA MAY ISSUE SUCH
ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR CLASS II PENALTY
PROCEEDING. EPA PROVIDES PUBLIC NOTICE OF THESE PROPOSED ASSESSMENT
PURSUANT TO 33 U.S.C. §1319(G)(4)(A).**

**CLASS I PROCEEDINGS ARE CONDUCTED UNDER EPA'S "CONSOLIDATED
RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL
PENALTIES AND THE REVOCATION/TERMINATION OR SUSPENSION OF PERMITS", 40
CODE OF FEDERAL REGULATIONS PART 22. THE PROCEDURES THROUGH WHICH
THE PUBLIC MAY SUBMIT WRITTEN COMMENT ON A PROPOSED CLASS I**

COMPLAINT OR PARTICIPATE IN A CLASS I PROCEEDING, AND THE PROCEDURES BY WHICH A RESPONDENT MAY REQUEST A HEARING, ARE SET FORTH IN THE CONSOLIDATED RULES. THE DEADLINE FOR SUBMITTING PUBLIC COMMENT ON A PROPOSED CLASS I ORDER IS THIRTY (30) DAYS AFTER THE DATE OF PUBLICATION OF THIS PUBLIC NOTICE.

ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING CLASS I PROCEEDING FOR THE ASSESSMENT OF PENALTIES: IN THE MATTER OF AMERICAN YACHT CLUB, 499 STUYVESANT AVENUE, RYE, NEW YORK 10580 THE OWNER AND/OR OPERATOR OF THE FACILITY LOCATED AT 499 STUYVESANT AVENUE, RYE, NEW YORK 10580, DOCKET NO. CWA-02-2011-3316; FILED ON MARCH 24, 2011 WITH REGIONAL HEARING CLERK KAREN MAPLES, U.S. EPA, REGION 2, 290 BROADWAY, 16 FLOOR, NEW YORK, NEW YORK 10007 (212) 637-3247; PROPOSED PENALTY: \$16,000.00, FOR FAILURE TO RENEW AND OBTAIN COVERAGE UNDER A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM DISCHARGE PERMIT AND FOR FAILURE TO MONITOR AND REPORT AS REQUIRED BY SAID PERMIT.

FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THESE COMPLAINTS OR OTHER DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENTS, OR OTHERWISE PARTICIPATE IN ANY OF THESE PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK IDENTIFIED ABOVE. UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS IS LOCATED IN THE EPA REGIONAL OFFICE IDENTIFIED ABOVE, AND THE FILES WILL BE OPEN FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF THE ADMINISTRATIVE RECORD,

**SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF
CONFIDENTIAL INFORMATION.**

**IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL
ISSUE NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS PRIOR TO
THIRTY (30) DAYS FROM THE DATE SPECIFIED BELOW.**

**DORE LAPOSTA, DIRECTOR
DIVISION OF ENFORCEMENT AND
COMPLIANCE ASSISTANCE**